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Bankruptcy Law

Moushigian v. Marderosian, No. 13-2295

Order granting discharge to defendant-debtors, and denying plaintiff's motion to reconsider, is affirmed, where: 1) the four-word order did not grant plaintiff's request for "deeming relief", but stated "relief from stay granted"; 2) "relief from stay granted" is unambiguous, and even if it were ambiguous, plaintiff did not ask for clarification when it was issued; 3) plaintiff challenges the ruling on his request for "deeming relief", but the case law does not suggest that a ruling on "deeming relief" must be accompanied by findings of fact and conclusions of law under Rule 52(a) of the Federal Rules of Civil Procedure; and 4) the bankruptcy court properly denied plaintiff's motion for reconsideration, as application of 11 U.S.C. section 105(a) to the circumstances of this case would turn it into an automatic safety valve for errors by counsel.